

Notice of Allowability

Application No.

09/895,903

Examiner

Trent J Roche

Applicant(s)

WALLMAN ET AL.

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 6 December 2004.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 28 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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DETAILED ACTION

1. This office action is responsive to communications filed 6 December 2004.
2. Per applicant's request, amended claims 1, 8 and 15 have been entered. Claims 1-21 are pending.
3. Claims 1-21 have been examined.

Claim Rejections - 35 USC § 102 and Response to Arguments

4. Applicant's arguments, see pages 8 and 9 of the remarks, filed 14 October 2004, with respect to claims 1-21 have been fully considered and are persuasive. The rejection of claims 1-21 under 35 U.S.C. § 102(e) has been withdrawn.

Allowable Subject Matter & Examiner's Statement of Reason(s) for Allowance

5. Claims 1-21 are allowed.
6. The following is an examiner's statement of reasons for allowance:

The closest found prior art of record, U.S. Patent Publication 2002/0129337 A1 to Evans et al., taken alone or in combination, fails to disclose or reasonably suggest a method of debugging a platform-independent virtual machine as recited in independent claim 1. Specifically, Evans et al. fail to disclose or suggest *providing an agent on the platform-independent virtual machine, wherein the agent provides a set of functions for accessing a plurality of variables in the platform-independent virtual machine and wherein the agent is limited to gathering a current state of variables within the platform-independent virtual machine...* and further, *"communicating the current state of the plurality of variables to a host machine, wherein an operator of the host*

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machine can analyze the current state of the plurality of variables to determine if the platform-independent virtual machine is operating correctly..." (claim 1) Similar features are recited in independent claims 8 and 15.

Instead, Evans et al. discloses a source-level debugger for operation on a platform-independent virtual machine. While the debugger disclosed by Evans et al. allows a user to view status and data including states of variables, the debugger of Evans et al. does not suggest limiting the agent to gathering the current state of variables within the platform-independent virtual machine and providing the current state of these variables to an analyst, as stated on page 8 of the remarks filed 14 October 2004.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (571)272-3733. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trent J Roche
Examiner
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TJR


ANIL KHATRI
PRIMARY EXAMINER